

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:25-cv-302



CHARITY MAINVILLE,)
Plaintiff,)
v.)
ANNA DE SANTIS, and DE)
SANTIS RENTALS, LLC,)
Defendants.)

**EXPEDITATED MOTION FOR
ALTERNATIVE SERVICE**

Plaintiff moves this Court for an order permitting alternative service on Defendants Anna De Santis and De Santis Rentals, LLC, who has actively evaded service despite diligent efforts, and for expedited consideration pursuant to Federal Rule of Civil Procedure 4(e)(1) and N.C. R. Civ. P. 4(j1).

1. On April 22, 2025, Plaintiff requested personal service through the Durham County Sheriff's Office. On April 24, 2025, deputies attempted service at Defendant's registered address with the North Carolina Secretary of State. They were informed she did not reside there. Deputies then spoke with Defendant directly by phone, during which she claimed to be out of town and promised to make arrangements upon her return. She has failed to do so.
2. On April 29, 2025, Defendant's attorney in the related state action confirmed via email that Defendant is aware of this federal lawsuit. He

stated that she is seeking separate defense counsel but that he does not represent her in the federal matter. The attorney's email also confirms prior settlement communications and Defendant's general awareness of the litigation context. (Exhibit A)

3. On May 7, 2025, Plaintiff attempted certified mail service at Defendant's last known address from the state court case. USPS forwarding redirected the mail to the Durham address registered with the Secretary of State—recently updated on March 10, 2025—but the mailing was rejected as “addressee unknown.” This indicates deliberate avoidance and further confirms that Defendant has not maintained a valid serviceable address despite legal obligations. (Exhibit B & C)
4. More than thirty (30) days have passed since the summons issued. Plaintiff fears Defendant will continue to evade service to frustrate judicial process and permit the complaint to lapse.

WHEREFORE, Plaintiff respectfully requests that the Court authorize alternative service by:

1. Email to Defendant directly;
2. Email to her current state-case attorney who acknowledged receipt;
3. Posting a copy of the summons and complaint at the address Defendant registered with the North Carolina Secretary of State; and/or

4. Posting at Defendant's last known residential address, which is also her father's residence.

5. Plaintiff further requests expedited consideration of this motion.

Defendant's continued evasion of service is obstructing the progression of this action and poses a risk of prejudicing Plaintiff's substantial rights.

Each method is reasonably calculated to give Defendant actual notice, and is warranted given her demonstrated pattern of evasion and the risk of undue prejudice to Plaintiff if ordinary service is further delayed.

VERIFICATION

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed on this 23rd day of May, 2025.



Charity Mainville
Plaintiff, Pro Se
2025 Watchorn St, Apt 504
Durham, NC 27703
(608) 215-6654
camainville@gmail.com



Exhibit A

Charity Mainville <camainville@gmail.com>

Notice of Service and Response to Settlement Offer

David M. Yopp <dmyopp@hatchlittlebunn.com>
To: Charity Mainville <camainville@gmail.com>

Tue, Apr 29, 2025 at 3:54 PM

Charity:

Thanks for your email below. I'm not planning to represent Anna and the LLC in the federal action, and Anna is currently working on retaining defense counsel for that lawsuit.

Regarding the prior settlement offer, I notified Anna of your response that no further settlement negotiations will be entertained. Still, the litigation that has ensued since your appeal to district court has gotten out of hand. You've indicated that it's taken a toll on you, and the same is true for Anna. So, before she spends additional time and resources in state and federal courts, Anna has asked me to request what you want for all this to be over. If you are interested, this is your opportunity to propose terms for discussion, aimed at letting all parties move on.

David

David M. Yopp

Attorney

NCDRC Certified Superior Court Mediator

Hatch, Little & Bunn, LLP

Office: 2626 Glenwood Avenue|Suite 550|Raleigh, NC 27608

Mailing: P.O. Box 527|Raleigh, NC 27602

Main: (919) 856-3940 | Direct: (919) 856-3961 | Fax: (919) 857-3961

Confidentiality Notice:

This communication constitutes an electronic communication and its disclosure is strictly limited to the recipient intended by the sender of this message. This transmission, and any attachments, may contain confidential attorney-client privileged information and attorney work product. If you are not the intended recipient, any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is **STRICTLY PROHIBITED**. Please contact us immediately by return e-mail or at 919-856-3940, and destroy the original transmission and its attachments without reading or saving in any manner.

[Quoted text hidden]

> Back (DashboardAction_input.action)
Addressee Unknown
9589 0710 5270 2255 5619 13Alert

Exh. bit B

Add Nickname +
DURHAM ,NC
First-Class Mail®-- Certified Mail™
Add Delivery Instructions

Note: DI not available for this package.

Remove From Dashboard
Scan History

May 21	1:35 pm Addressee Unknown DURHAM,NC 27713
May 20	6:54 am Arrived at USPS Regional Facility RALEIGH NC DISTRIBUTION CENTER
May 19	In Transit to Next Facility
May 15	1:07 am Arrived at USPS Regional Facility GREENSBORO NC DISTRIBUTION CENTER
May 10	8:46 am Forwarded
May 08	9:12 pm Departed USPS Regional Facility RALEIGH NC DISTRIBUTION CENTER
May 08	5:57 pm Arrived at USPS Regional Facility RALEIGH NC DISTRIBUTION CENTER
May 07	1:30 pm USPS in possession of item DURHAM,NC 27709

Feedback



1/6/2022

LIMITED LIABILITY COMPANY ANNUAL REPORT

Exhibit C

NAME OF LIMITED LIABILITY COMPANY: De Santis Rentals, LLCSECRETARY OF STATE ID NUMBER: 1997436STATE OF FORMATION: NCREPORT FOR THE CALENDAR YEAR: 2025

Filing Office Use Only
E - Filed Annual Report
1997436
CA202506906093
3/10/2025 05:24

☐ Changes
SECTION A: REGISTERED AGENT'S INFORMATION1. NAME OF REGISTERED AGENT: Anna De Santis

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS

5 Ware Creek Ct5 Ware Creek CtDurham, NC 27713 Durham CountyDurham, NC 27713SECTION B: PRINCIPAL OFFICE INFORMATION1. DESCRIPTION OF NATURE OF BUSINESS: Property Management/Real Estate2. PRINCIPAL OFFICE PHONE NUMBER: (919) 744-17523. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

5. PRINCIPAL OFFICE MAILING ADDRESS

5 Ware Creek Ct5 Ware Creek CtDurham, NC 27713Durham, NC 27713

6. Select one of the following if applicable. (Optional see instructions)

☐

The company is a veteran-owned small business

☐

The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)NAME: Stellan De SantisNAME: Anna De Santis

NAME: _____

TITLE: ManagerTITLE: Manager

TITLE: _____

ADDRESS: _____

ADDRESS: _____

ADDRESS: _____

5 Ware Creek Ct5 Ware Creek CtDurham, NC 27713Durham, NC 27713SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.Anna De Santis3/10/2025

SIGNATURE

DATE

Form must be signed by a Company Official listed under Section C of This form.

Anna De SantisManager

Print or Type Name of Company Official

Print or Type Title of Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525